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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,748	10/29/2003	Hiroshi Tachiki	1248-0676P	5416
2292	7590	01/23/2006		
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER GLEITZ, RYAN M	
			ART UNIT 2852	PAPER NUMBER

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/694,748

Applicant(s)

TACHIKI ET AL.

Examiner

Ryan Gleitz

Art Unit

2852

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.

Continuation of 11.

Applicant's reply filed 1 November 2005 asserted that "Sameshima fails to teach or suggest a detaching/attaching mechanism in which a contacting member is supported so as to be detachable/attachable from/to a supporting member, wherein, the holding member includes position regulating means for regulating a position of the contacting member with respect to the holding member, when the contacting member is detached from the supporting member, and when the contacting member is detached from the supporting member, the contacting member is provided on the holding member." P. 15. Applicant made such a conclusion after a discussion of Sameshima and the purported advantages of the present application. Pp. 13-14. Applicant did not, however, specifically point out what limitation patentably distinguishes the claims over Sameshima.

The office action mailed 10 November 2005 responded to the argument by stating that "[a]pplicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references." P. 5.

Applicant's reply filed 10 January 2006 submits that the above argument of 1 November 2005 did in fact point out what limitation patentably distinguishes the claims over Sameshima, and requests that the examiner properly respond to Applicant's argument that Sameshima fails to teach or suggest the specific claim element, "a detaching/attaching mechanism in which a contacting member is supported so as to be detachable/attachable from/to a supporting member, wherein, the holding member includes position regulating means for regulating a position of the contacting member with respect to the holding member, when the contacting member is detached from the

supporting member, and when the contacting member is detached from the supporting member, the contacting member is provided on the holding member.” P. 3.

The above claim language contains seventy-five words, and cannot be considered a specific claim element. It is not clear which limitation the Applicant asserts is not shown by Sameshima, and accordingly, the argument is considered a general allegation of patentability because it fails to point how the language of the claims patentably distinguishes from the references. The only appropriate response to such an argument is reference to the rejections already made in the office action.

Applicant’s further argument from the reply filed 10 January 2006 states that the teachings of Sameshima from col. 9, lines 35-46 are insufficient to teach or suggest the holding member including the position regulating means for regulating a position of the contact member with respect to the holding member as claimed. P. 3.

The cited passage was not relied upon by the Examiner. Therefore, even if Applicant’s assertion is true, it would not overcome the rejection. It should be noted that the holding member and the position regulating means in both Sameshima and the present application are different portion of the same part.

Continuation of 13.

In the reply filed 10 January 2006, Applicant also submitted a request for interview. Interviews after final rejection may be granted if the examiner is convinced that disposal or clarification for appeal may be accomplished with only nominal further consideration. See MPEP 713.09. In this case, the examiner is not convinced that an interview would lead to disposal or clarification for appeal, and, accordingly the request for interview is denied.



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